

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LLOYD THOMAS BERNARD, II;
STEPHANIE CELESTE TEJADA-
OTERO,

Plaintiffs,

v.

COUNTY OF SAN JOAQUIN, et al.,

Defendants.

No. 2:21-cv-0172 JAM DB PS

ORDER

Plaintiffs Lloyd Thomas Bernard and Stephanie Celeste Tejada-Otero are proceeding in this action pro se. This matter was referred to the undersigned in accordance with Local Rule 302(c)(21) and 28 U.S.C. § 636(b)(1). On October 4, 2021, the undersigned issued an order to show cause as to why this action should not be dismissed due to plaintiffs' failure to serve a defendant in compliance with Rule 4 of the Federal Rules of Civil Procedure. (ECF No. 6.) On October 14, 2021, plaintiffs filed a response requesting a 90-day extension of time because they "are preparing to retain an attorney to represent them in this Federal matter[.]" (ECF No. 7 at 2.)

Rule 4(m) provides two avenues for relief. The first is mandatory: the district court must extend time for service upon a showing of good cause. The second is discretionary: if good cause is not established, the district court may extend time for service upon a showing of excusable neglect.

Crowley v. Bannister, 734 F.3d 967, 976 (9th Cir. 2013) (quoting Lemoge v. United States, 587

1 F.3d 1188, 1198 (9th Cir. 2009)). Here, the undersigned finds good cause to grant plaintiffs an
2 extension of time.

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. Plaintiffs' October 14, 2021 request (ECF No. 7) is granted; and

5 2. Plaintiffs are granted 30 days from December 17, 2021 to serve a defendant in
6 compliance with Rule 4.

7 Dated: December 14, 2021

8 
9
10 DEBORAH BARNES
11 UNITED STATES MAGISTRATE JUDGE
12
13
14
15
16
17
18
19
20
21

22 DLB:6
23 DB\orders\orders.pro se\bernhard0172.R4.eot.ord
24
25
26
27
28